



PATENT  
HMD2000-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Thomas N. Giaccherini, et al.

Examiner: Ly, Anh Vu H.

Serial No.: 09/579,324

Group Art Unit: 2667

Title: **Method for Utilizing  
Excess Communications Capacity**

Filed: 25 May 2000

**CERTIFICATE OF MAILING UNDER 37 CFR 1.8**

The undersigned hereby certifies that this document is being transmitted to the United States Patent Office by U.S.P.S. First Class Mail in accordance with the provisions of 37 CFR Section 1.8 on the date subscribed to below, and is addressed to The Commissioner for Patents, P.O. Box 1450 Alexandria, Virginia 22313-1450.

Thomas N. Giaccherini, Registration No. 31,075

27 Feb 2006.

Date

**FIRST AMENDMENT AFTER QUALITY REVIEW**

The Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The Applicants submit this First Amendment in response to the First Office Action issued after a Quality Review dated 26 September 2005. The First Office Action provided a shortened statutory period for response which expired on 26 December 2005. This First Amendment After Quality Review is accompanied by a Petition for a Two Month Extension of Time, which will extend the period for response until today, 27 February 2006, since 26 February falls on a Sunday.

First Amendment After Quality Review for U.S.S.N. 09/579,324  
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### **APPLICATION HISTORY**

In the First Office Action After Quality Review mailed on 26 September 2005, the Patent Office issued a non-final rejection of Pending Claims 1-11 and 14-26 under 35 USC Sections 102(b) as being unpatentable over U.S. Patent No. 5 657 072 issued to Aristides et al. Claims 12 and 13 were also rejected under 35 USC Section 103(a) as being unpatentable over Aristides in view of U.S. Patent No. 6 029 045— Picco et al.

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## **INDEX OF AMENDMENT SECTIONS**

Section A- Amendments to the Claims, including a Complete Listing of All Pending Claims, as currently amended.

Section B- Remarks

Section C- Conclusion- Request for Allowance of Claims